

**MINUTES OF THE
GREENSBORO ZONING COMMISSION**

MARCH 8, 2004

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, March 8, 2004, at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building, Greensboro, North Carolina. Members present were Chairman Gary Wolf, Paul Gilmer, Bill Schneider, Janet Wright, Tony Collins, Maureen McDonnell, Brian Byrd and J.D. Haynes. The Planning Department was represented by R.W. Morgan, Assistant City Manager, and Bill Ruska, Zoning Administrator. Carrie Reeves represented GDOT and Blair Carr, Esq., represented the City Attorney's Office.

Chairman Wolf welcomed everyone to the Zoning Commission regular meeting. He explained the procedures of the meeting. He further advised that the meeting was being recorded and also televised on Channel 13, and was being closed captioned for the hearing impaired.

Chairman Wolf stated that if any person was going to speak on a request, at the appointed time he or she should come to the speakers stand and give their name and address for the record. He further advised that each side would be limited to a total of 25 minutes, regardless of the number of persons speaking for that particular side. Each side may also have an additional 5 minutes in rebuttal.

ADJUSTMENTS TO AGENDA

APPROVAL OF THE MINUTES OF THE FEBRUARY 9, 2004 REGULAR MEETING.

Mr. Gilmer moved approval of the minutes of the February 9, 2004 regular meeting as written, seconded by Mr. Collins. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

PUBLIC HEARINGS:

- A. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO THOSE ALLOWED IN LO ZONING DISTRICT UNDER THE BUSINESS, PROFESSIONAL AND PERSONAL SERVICES CATEGORY; OTHER USES CATEGORY; AND ACCESSORY USES CATEGORY, EXCLUDING RECYCLING COLLECTION POINTS. 2) EXISTING DRIVEWAY FROM QUAIL DRIVE SHALL BE PERMANENTLY CLOSED. ALL ACCESS SHALL BE FROM CARROLL STREET. 3) THERE SHALL BE A MINIMUM 20' WIDE LANDSCAPING BUFFER BETWEEN AND ADJACENT TO ALL RESIDENTIAL USE PROPERTY TO MEET CITY OF GREENSBORO**

REQUIREMENTS. 4) THERE SHALL BE A MINIMUM 5' TALL OPAQUE FENCE INSTALLED ADJACENT TO ALL RESIDENTIAL USE PROPERTY. 5) THERE SHALL BE NO OUTSIDE STORAGE OF MATERIALS OR EQUIPMENT. 6) ALL PERMANENT SITE LIGHTING SHALL BE A MAXIMUM OF 12' TALL AND INSTALLED ON THE SIDE OF THE BUILDINGS FACING AWAY FROM RESIDENTIAL USE PROPERTY. 7) ALL BUILDINGS SHALL BE SINGLE STORY WITH SHINGLED, SLOPED ROOFS TO RESEMBLE RESIDENTIAL TOWNHOUSES. - FOR A PORTION OF THE PROPERTY LOCATED AT THE TERMINUS OF QUAIL DRIVE SOUTH OF CARROLL STREET AND NORTH OF WESTMORELAND DRIVE – FOR JEFFREY L. AND MELANIE B. PERMAR. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked that the applicant come forward.

Jeff Permar, 922 Courtland Avenue, Reidsville, NC, stated he and his wife owned the subject property and two adjacent properties at 2515 and 2517 Carroll Street. He said a majority of the property had been in their families for four generations since the 1800s. Along with this fact, his aunt and sister both live in the Guilford Hills Subdivision, which is immediately adjacent to this property to the south, so they have a vested interest in the proper development and maintenance of this property. He said they were requesting a rezoning because they feel it is the highest and best use for the property. The subdivision area to the north, which includes Carroll Street, Walters Street and Oakcrest Avenue, is fast becoming commercial in nature. Two properties there have been rezoned to GO-M in the last 8 months. Most of the rest of the remaining residential units are rental units. Some of the residential properties in the neighborhood have been acquired by people that are anticipating the change over from residential to commercial in the next few years. The subject property's southern boundary creates a natural stopping point for the commercial zoning that is encroaching from the north, east and west. The line cuts off the existing Guilford Hills Subdivision and would prevent any further encroaching on that neighborhood by commercial development. The proposed use will also create a buffer of lighter uses between the permanent residential use in Guilford Hills and the heavier commercial uses in the GO-M and HB zoning to the east and north. They believe that the zoning and subsequent development are prime examples of the City's goal of infill development. There is one residence on nearly 4 acres in an area that has otherwise been fully developed for a number of years. This will also increase the tax base for the City from approximately \$275,000 to nearly \$5 million when the development is complete. They stipulated several conditions to be met when the property is developed that they feel would cause the least impact on the surrounding neighborhoods. These were read into the record by Mr. Ruska. They hope to construct office buildings that will be sold as condominium office units for sale or lease. Proper maintenance for the property will be provided by a Condominium Association made up of the office tenants or owners. Based on these conditions and the limitations that they have put on the property, they hope the Commission will approve their request for rezoning.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request.

Cathy McKeithan, 2506 Westmoreland Drive, said her property backs up to the property proposed for the zoning change. She also owns a home at 2501 Westmoreland Drive. She said she had been a licensed real estate agent with 22 years experience and she also is a licensed general contractor with 11 years of experience in remodeling homes. She grew up in Guilford Hills. When she moved to 2506 Westmoreland Drive, she knew there was a large tract of land behind her and it never dawned on her that it would not remain residential. She said the idea of an office/condominium complex, while not appealing, is something that they would just really prefer not to have. She had letters from 29 other homeowners on Westmoreland and Quail of which she brought copies for the Commission. These homeowners feel as she does. However, they have a list of proposed conditions that they would like to add to Mr. Permar's request, if the request is granted.

Chairman Wolf advised that the Commission could not entertain those conditions and could not negotiate other conditions at this hearing.

Ms. McKeithan said she did not know that, but she would like to see the subject property remain RS-9 if the above conditions cannot be accepted by the Zoning Commission. All 29 said yes, they would like to see it remain residential. When Mr. Permar called and explained his conditions, they felt they should know how many buildings were going in there; what is the exterior material; and the number of parking spaces. These are the concerns of the neighbors. Drainage was another issue. Guilford Hills slopes downward starting at Carroll Street. When she moved into her home, she had to fight for 9 years to get grass and landscaping established and to stop the flood of water coming through her property. They are concerned that there will be asphalt and concrete behind them that will only worsen the runoff, if the construction on the subject property is not handled correctly.

Chairman Wolf asked if the development the applicant is proposing would require wet detention, whereas if it were single-family residential the developer would not have to impound any of the water?

Mr. Ruska said they would have to deal with the drainage when the site plan comes in. He said the Commission could not assume there would be a wet detention pond to slow down the drainage.

Ms. McKeithan said they were very concerned that if the new development is permitted under the requested rezoning, including office condos, their quality of life would go away. She said she walked out on her deck this morning and took a picture off her deck and it shows clearly the house on Carroll Street that is on the other side of the subject property. She can wave at that man every morning when he gets in his office. And yet, the applicant says that is wide enough to put office condos in it. She didn't know the number of units that were going in. Some neighbors have expressed their concern that if this property is rezoned, the owner may sell to someone else who will want to put something entirely different in there. She explained several other questions that she had concerning the subject property and potential development. She said they were also afraid of the decrease in the value of their property if the subject property is rezoned and used, even as proposed.

Ms. Wright asked Ms. McKeithan to hand up the letters that she had brought from her neighbors.

Tim Waldon, 1408 Quail Drive, said he lived approximately 2 blocks south on Quail of the subject property. He is the homeowner that Cathy had mentioned that has 5 children and they do frequent the neighborhood on bikes and wagons. He was a little concerned to hear that any change to the conditions that Mr. Permar presented could not be considered. He said he wanted to stress that those signatures that were presented to the Commission said that if those conditions were the only conditions to be considered, then those 29 people would rather this zoning request be rejected. So if it is those conditions, then they do not want it. He had spoken to or e-mailed a number of other individuals and he didn't know if they were in the pile of letters. There have been garish abuses of some of the businesses that back up to the residential area specifically on Quail. He said Cathy had mentioned Krispy Kreme and it was like living in a solar eclipse at night when you go by there. It is really quite abusive. The lighting is just atrocious on that structure. That is a concern with some of the lighting, some of the privacy. He did want to stress that his particular concern as a father and a homeowner in the neighborhood that if this goes through that Quail really does need to be closed off at that zoning line so that they don't get a bunch of construction traffic through there, so that children are kept safe and so that people don't use that cut-through as a little speed track as they are already inclined to do.

In response to a question from Chairman Wolf, Mr. Ruska said he thought it was questionable whether Quail Drive would be closed before construction on the subject property was begun. When he starts getting his building permits to do the development, Mr. Permar would have had to show by site plan how he was going to treat the terminus of Quail because what he probably would have to do is put in a T or circular turnaround there.

Chairman Wolf said in his experience, talking about access for construction, that was a valid point raised by the neighborhood if this Commission were inclined to approve it.

Counsel Carr said she did have some information with regard to his last question from the City's Transportation Engineer. Because of the fact that there is truly no driveway access and as it stands right now there are 3 access points, one at the apex of Carroll and Walters, one on Carroll and the stub street at Quail. Since none of them are dedicated as driveways, he would have to come forward and apply for a "Driveway Permit." What she was hearing from GDOT is they would not approve a driveway permit from Quail. So that solves the issue. Quail is a stub street.

Chairman Wolf said they could get rid of that issue if the Commission were inclined to approve this by just putting an additional condition that says, "No construction traffic shall exit on Quail Drive;" correct?

Mr. Ruska said the applicant would have to ask for that.

Chairman Wolf advised Mr. Permar that he could have 5 minutes for rebuttal, if he cared to do so.

Jeff Permar returned to the podium and said that addressing a few of the issues about which the opponents had talked, one was the closing off of all access from Quail Drive. He had said in his previous presentation that that would eliminate commercial and construction traffic through the neighborhood. So they do plan on coming through Carroll Street. He said that was a clarification of the Condition and that was the intent of that Condition. He said he wanted to add a condition: "No construction access from Quail Drive".

Mr. Collins moved that the clarification by Mr. Permar of Condition No. 2 should be made a part of the application as an addition to Condition No. 2, seconded by Mr. Schneider. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

Mr. Permar said, regarding some of the other issues, requiring that a contractor or developer submit building plans with materials. He said this was something that he had never heard of before on a commercial development, even when they abut residential. They do not have that information at this point. They are in the soliciting for design phase now. The site plan, the building plans will be residential in nature, will look like residential townhouses. What he anticipated at this point was partial brick, partial vinyl. He did not know what the slope of the roof was going to be, that is basically part of the design of the building. The number of parking spaces cannot be determined until you know how much actual square footage of building will be put there because it is dependent upon the Zoning and Building Ordinances as to how much space you need for every so many square feet of building. The water runoff issue will be addressed in the site plan. He anticipated a storm drainage system that ties into the existing system or ties into retention ponds on site to slow the water down. As to the lighting issue, that was why they left it at 12 feet. It is a safety and security problem for the parking lot for the evenings, especially during the winter. He would like to keep it above ground, but would limit it to 12 feet so they will have the least amount going into the neighboring properties as possible. Ground lighting does not illuminate the parking lot like you really need it for security and safety. He did not know where the trash receptacles would be, but thought they would be closer to the Carroll Street side. As to construction time, he could not give an exact time of the construction. It will be based on the economy, on the market, how fast they sell, what kind of financing can be arranged for the project. It could mean building one building, wait a few months and then build another building.

Chairman Wolf asked if the opponents would like 5 minutes for rebuttal.

Cathy McKeithan returned to the podium and said that she thought Mr. Permar would attempt to do a good job. She did not think he was a bad guy or anything like that. However, she was just addressing once again that the neighbors really do not want anything like that back there period. As she understood how the time frame goes when you build a building, you sell or lease it out, and then you can build another one. That is another concern, the ongoing potential for this to be how long? Would she have to live with that kind of thing behind her for six months, a year, two years? Obviously, Mr. Permar does not know. It does depend on the market and financing. What they are trying to say is residential would be much more appealing. The possibility of residential selling out quicker than office buildings leasing is there since there is a lot of available office space in Greensboro. The neighbors are just saying, "Look guys, we just don't want it back there." She submitted that Mr. Permar doesn't live backing up to that property. When he is done, he has got it rented or sold. She and the other 29 homeowners are going to have to live with it.

Tim Walton returned to the podium and said there was access to this property at the Quail stub. He had seen cars go up through there. It is not a designated driveway, it is illegal access, but nevertheless access has been granted to and through this property to Carroll Street. That is a valid concern that that be cut off immediately. Listening to Mr. Permar, he believed Mr. Permar really didn't know what he wanted to do with the property. He just wants

to be allowed to do it. There were so many things Mr. Permar could not tell them because no site plan had been filed and yet he wanted them to support the rezoning. He said Mr. Permar should come back with a plan and then let them talk about it.

Chairman Wolf declared the public hearing closed.

Assistant City Manager Robert Morgan said this request straddles the low residential mixed use commercial land use designation. It conforms to the definition of the mixed use commercial land use classification since the request is for Conditional District - Limited Office with uses limited primarily to those business, professional and personal service uses permitted in the LO zoning district. This proposal helps ensure that buildings are of an appropriate scale and intensity by the condition that limits the buildings to single-story with shingled sloped roofs to resemble residential townhomes. Staff feels that this property could develop either as offices of multifamily dwellings since either type of land use can be used as transitional between the more intensified general office development to the north and the single family neighborhoods to the south. This proposal may be considered infill because the property is under utilized. The Planning Department, therefore, recommends the approval of this rezoning request.

Ms. Wright moved Item A, an ordinance rezoning from RS-9 Residential Single Family to Conditional District-Limited Office subject to the conditions set forth in the application and as amended at this meeting, seconded by Mr. Gilmer.

Ms. McDonnell said in the report furnished Commissioners, under "Environmental Review," under "Other," it says, "May require on site detention due to multiple undersized drainage systems in the area." So in that statement, what she got from that indirectly was that there was a recognized existing problem in the property; would that be accurate?

Mr. Ruska said that comment was made by a representative from Stormwater Services and again that issue would have to be dealt with at the site plan stage.

Ms. McDonnell said when it goes to the site plan stage, and again this is a chicken and egg thing where her tendency is "do not harm up front, not try to backtrack on your mistakes." Would the Site Plan Committee require a strategy that would reduce the existing problems as well?

Mr. Ruska said they would require that he contain or deal with whatever his development contributes.

Ms. McDonnell said there were already problems there and again her tendency was not to aggravate those. Is somebody going to look at what really needs to be done instead of piecemealing the problem of the drainage? This does and does not have to do with this proposal, but her point was that one of the requirements is that they have to meet the interest of public safety and she was having trouble reconciling that when there is already an existing drainage problem out there.

Chairman Wolf said the Commission often approves property in which the subject property ends up dealing with its stormwater in such a way that it doesn't make the problem worse, which is all they can demand of that property owner. If they have a general overall problem in the watershed, that isn't necessarily wholly caused by this land, which he was sure it wasn't.

They cannot make Mr. Permar develop his property to improve watershed problems that are caused by other areas. They can to some degree cause him to detain the amount of water that is coming from off this site, if it is coming through, but still you will not be able to solve the stormwater problems with just this property. They will try to make it so he doesn't make it worse.

Ms. McDonnell asked then what recourse is there for these folks for the existing problem? Is that something the City can send people out to review and make recommendations separately from this proposal? The answer to that was going to impact on how she voted on this.

Mr. Ruska said all he could say is that Stormwater and Engineering would be taking a look at this as part of the site plan review. If there is a larger problem that exists in that area, he was sure they would make note of that at that particular time.

Ms. McDonnell said then they would make recommendations to reconcile the existing problem? How does that get handled?

Assistant City Manager Morgan said that was on private property so the City would not be involved in reconciling that.

Chairman Wolf said there was a motion by Ms. Wright, seconded by Mr. Gilmer, moving the ordinance. The Commission voted 5-3 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Collins, Byrd. Nays: Wright, McDonnell, Haynes.)

Ms. McDonnell suggested that the neighborhood take the time before the City Council hears this matter to meet with the applicant and have the discussion that should have been had before coming here about what additional conditions that they can suggest.

Chairman Wolf said he wanted to take this opportunity to let those here and those watching know that starting this month, we now have the Staff Recommendations available on the internet. They are posted the Thursday prior to the Zoning Commission meeting.

B. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO HIGHWAY BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF WEST LEE STREET BETWEEN WARREN STREET AND FULLER STREET – FOR ELIZABETH KING. (CONTINUED)

Mr. Ruska presented a map showing the subject property, as well as showing the surrounding properties. He then presented slides of the subject property.

Chairman Wolf asked if the applicant would come forward to the podium, and no one came forward.

Chairman Wolf then asked if there were those present who wished to oppose this request, and no one came forward.

Assistant City Manager Robert Morgan said a request to rezone this property to HI was denied by the Zoning Commission in August, 2002. Since this request is not conditioned, all uses permitted in Highway Business must be considered for this property in this case. The zoning reclassification is consistent with the Generalized Future Land Use Map because the property is located within the Mixed Use/ Commercial Land Use classification in an Activity Center. It is also supported by the Growth Strategy Map due to being located within a reinvestment corridor. The Planning Department recommends approval of this rezoning request.

Chairman Wolf said his recollection from the previous hearing was they intended to use this existing building for this use; hence that was why they got the request last time and turned it down. His opinion is that the City would like to see this corridor redeveloped and his opinion is use of those existing buildings for a nightclub or a bar or something like that does not serve that. Tearing down these buildings and creating a new building does serve that. But using existing industrial warehouses for the use they want to do as part of this rezoning, he was going to assume that was what they were doing since there was no one here on behalf of the application. Therefore, he would be voting against this.

Ms. McDonnell said she agreed for consistency purposes. She said they came down hard on some of the local universities because they did not send a representative here so that we could get some clarification on some of the Commissioners' questions. So here we have a different applicant, but they have a similar situation and there is nobody here to even work through all those questions.

Chairman Wolf said that was a separate issue of whether you have a burden of proof, almost like in a courtroom, as to whether, if you don't show, the Commission should ever grant something. They had never come down on that as a hard and fast rule. The times the Commission has discussed that, he did not think the Commission had said that that was a hard and fast rule, although he always thought that when it comes to a university, they should be showing up and he thought they were now consistently showing up. The Commission has never come down with that rule; the City Attorney has never told them that is a rule, but it certainly impacts his decision with respect to how he wanted to vote on it when someone doesn't show any interest in presenting their case.

Ms. McDonnell said that was really her point too. It weighs heavily on her decision.

Mr. Schneider said he agreed with both of them and especially on the university matters. Those were not part of the area where they were planning on growing; they were outside. This is a highway, for the most part, and if it is going to be redeveloped, it probably is not going to be redeveloped under the Light Industrial because you are not going to have anything that the public uses in that district. They should be here to tell us something about their plans.

Chairman Wolf said he wanted to hear some testimony that an old industrial building is either being demolished or being significantly renovated and dealt with such that it becomes the kind of Highway Business that the Commission would like to see when a corridor is being redeveloped, not that it's a building that's just being gussied and painted up and then they are putting a nightclub and bar in there. That doesn't accomplish the goal of what the Comp Plan wants to do to turn this into a redevelopment corridor.

Mr. Gilmer asked Mr. Ruska if the applicant knew this matter would be heard before the Commission today?

Mr. Ruska said they sent all applicants a copy of the written staff report. The same day that the Commissioners received it, the applicant received it as well.

Chairman Wolf asked if there was any concern that the sending of that leads people to believe that this is perfunctory and that once the City says they are in favor of it, the Commission agreed to that?

Mr. Gilmer said it could have been taken that way. They might have felt there was no need to show up and it had staff backing. He asked if it would be out of order if they continued this request?

Chairman Wolf said what if they Commission continues it and then comes up with something for their advertising or the sheets that get sent out to people. He asked if they could have something stating that they expect people to show up?

Mr. Ruska said that each of the applicants got a first class mail notice, just like the adjacent property owners get. They got that several weeks ago.

Chairman Wolf said he thought they should continue this request this time. However, he thought staff should make it known to applicants that staff's recommendation does not bear on their need to show up. He said this was the first month the Commission had had this type notice so he tended to agree with Mr. Gilmer that the Commission should sort of bend over backwards this month, but not any further.

Ms. Wright moved that Item B, an ordinance rezoning from LI to HB, be continued, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

C. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF PERTH PLACE, WEST OF HICKORY TREE LANE, AND NORTH OF EDGEWOOD DRIVE – FOR ANN M. TEAGUE. (FAVORABLE RECOMMENDATION)

Chairman Wolf said Mr. Byrd would recuse himself from deliberations and voting on this item since one of his law partners was representing the applicant.

Mr. Ruska presented a map showing the subject property, as well as showing the surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked if the applicant would come forward to the podium.

Charlie Melvin, Esq., 300 North Greene Street, said he represented Centex Homes, which has a contract to purchase the subject property. As Mr. Ruska indicated, the property surrounding the subject property is in Guilford County and this is a satellite annexation. The annexation has been unanimously recommended by the Greensboro Planning Board. This

clearly is an indication of interest in new development in this portion of our County. He was sure the Commissioners, as they drove around this area, observed the mix of residences that were developed over a long period of year with wells, septic tanks, larger lots and the newer developments being developed by a number of different developers. With the announcement of the City Corp. facility out in this general area, he felt they would continue to see increased demand for residences of all types. Ms. Wright has always had a concern that as we go into an area that has larger lots with septic tanks, etc, that we give consideration to what has gone on before while we still try to give credence to the Comprehensive Plan and what it recommends for these particular areas. As can be seen in the staff report, this request is consistent with the Comprehensive Plan. Centex thinks it will be a very good development for RS-9 Residential Single Family zoning district. A preliminary plan has been submitted and has had preliminary review. It shows a self-contained community in which (one reason for the RS-9 request is that there are some clearly environmental challenges with this property) approximately 30 percent of the entire property is common area, open space and that type of thing, addressing the environment areas, etc. Again he thought that was consistent with the Comprehensive Plan's recommendation for this type of development on the fringe areas. As could be seen from the slides, Perth Place will have to be improved to GDOT and NCDOT standards. Water and sewer are available to it, which is one of the criteria for this type of development. He said Allen Johnson from Centex was present, as well as Anthony Lester from Evans Engineering that has done the preliminary work on this. The preliminary plan shows between 2-3/4 and 3 dwelling units per acre, which he thought was consistent with what the Plan was looking for with this type of development. The sketch plan also shows the buffers that will be placed adjacent to some of the existing developed areas.

Chairman Wolf reminded the Commission that this was a straight rezoning; there are no conditions here.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request.

Henry Collins, 3904 Hickory Tree Lane, stated his property adjoins a portion of the subject property. Many of the homes in the Young Acres Subdivision are located on 1/2 acre lots and a few are on 1 acre lots. Most of these residences are in excess of 20 years of age, with some being in excess of 30 years of age. Recently, property located on a portion of Sharp Road and north of it was zoned RS-15 and contains approximately 3 residences per acre. Personally he had concerns regarding the proposed zoning of RS-9 for the proposed development, which is reported to accommodate single family dwellings at a density of 4 units per acre or less. He felt, if approved, that 4 units per acre, and not less, would likely be the rule rather than the exception. He had been told by the Zoning Department that postings of this rezoning hearing had been placed on Perth Place in the Young Acres Subdivision and also in Edgewood and Sharp Acres Subdivisions. He was able to locate only the posting on Perth Place, but could not locate the other postings. Accordingly, some of the persons who live in Sharp Acres who may not even be aware of this. Several years ago, residents of Young Acres Subdivision petitioned for a connection of water and sewer lines from Greensboro to correct a water quality problem in the area. The water problem resulted from the progressive colors of clay particles in drinking water from wells and the constant need to replace filters to remove the clay particles from water used for drinking, cooking and laundry usage. To the best of his knowledge, most of the residents of Sharp Acres are not connected to water and sewer. He felt with future developments, additional conversation would be ideal. He thought Centex should have met with the residents of the surrounding neighborhoods. He

would hope that arrangements might be made with the developer soon so that interested parties might be afforded the details of the planned development. He said he was not aware of any meeting of Centex with the community. He asked that all persons present in opposition to this request raise their hands, and approximately 8 people raised their hands. He said Larkwood and some other developments on Sharp Road fairly recently developed are RS-15, basically 3 units and maybe in some instances slightly less than 3 units per acre. This is a proposal for 4 units per acre and he personally has an objection to those numbers.

Barbara Starr, 1211 Youngs Mill Road, said her main concern was the traffic issue. The only way to get out if that property now is to come up Perth Place, which was a very narrow dirt road at the time. Evidently they are going to do something about Perth Place. However, you would exit Perth Place near a bridge and the guardrail there makes it very difficult to see traffic when you are coming out on Youngs Mill Road. She described the difficulties with other exits from the neighborhood. She said they were putting two new developments on Sharp Road and two on Youngs Mill Road. She was concerned about the water supply also.

Walter Brown, 4000 Perth Place, said he lived adjacent to the property under discussion. He wished to concur with what had already been said. His concerns were for safety, property values and congestion that will be in the area. He said he was not opposed to development per se, but when he looked at the proposal for 4 houses per acre, it seems to him to be a little more congested. He could imagine the congestion that would result from that many houses in that small an area and the traffic it will generate. He said he got a surprise when they widened 85, which ran right through his front yard; he got a blessing about 2 weeks ago when half of that was diverted to the back of him. Now to get this kind of proposal to put 4 houses per acre is going to generate a lot of traffic. There should be some type of traffic light at Youngs Mill Road and Perth Place to warn those persons trying to enter from Perth Place.

Chairman Wolf said the applicant would have 5 minutes for rebuttal.

Charlie Melvin, Esq., returned to the podium and said this type of development in this type of area does run into the consideration of the density. Reading from the staff report that the Commissioners have: Compact developments that include clustered, small lots, with substantial retained open space are encouraged. That is exactly what this plan contemplates. A Transportation Impact Study was done for this development and he assumed that was taken into consideration in the staff's report and staff recommendation. There was no organized meeting with neighbors. Mr. Johnson or one of his representatives will be happy to meet with them between now and the City Council hearing of this matter. They had depended on the present owners of the property, who know people in this area, to respond to calls and questions. They think that part was done. All aspects of what the Comp Plan contemplates in this area with this type of development were met with this plan. However, he did not know if they could ever totally meet the differences in views of people who think larger lots are the better way to develop and the more compact lots with larger open space, as this development contemplates, are just different views.

In response to a question from Mr. Collins, Mr. Melvin said the subject property is very challenged with wetlands and that type of thing. Anthony Lester's present estimate of what the final site plan will contemplate will be about 30 percent open space and common area.

In response to a question from Chairman Wolf, Mr. Melvin said the preliminaries indicate 3 or less units per acre.

Mr. Haynes asked that the slide showing Perth and Hickory Tree Lane be put on the monitor. He asked if this would be a paved road.

Attorney Melvin said yes, it would have to meet NCDOT and GDOT standards, which it does not meet now.

Chairman Wolf asked Attorney Melvin what was the reason they did not do something like an RS-12 with a cluster option. What did the cluster option not afford the developer? He said the City pretty much has a policy of anything that comes in from RS-40 from the County is automatically going to get an RS-12 or an RS-9. What Attorney Melvin was describing was not much different than this.

Attorney Melvin said he thought the reasons were because of the topography, the wetlands and the RS-9 will let you cluster to RS-5. He said RS-12 would not have permitted you to go to a 5,000 square foot lot.

Attorney Melvin said until the engineering, etc, is done, he didn't think they would know what they need to do to not develop the sensitive areas and still get something approximating the 4 units per area or even less.

Ms. McDonnell said for those non-English speaking people, clustering of the RS-9 would give you what?

Chairman Wolf said smaller lot sizes than 9,000 square feet. It is a good trade-off. It is the City allowing you to trade off smaller lots for amenities such as common area that you normally don't get in a regular single family subdivision.

Ms. McDonnell said so the overall impression to the non-professional eye would be more open space?

Mr. Collins said if you only took the built upon area, it looks denser, but then you have all this open space. Instead of spreading it out, you are compacting part of it and having more open space. That is the win/win supposedly.

Chairman Wolf said the opponents would have 5 minutes for rebuttal.

Marie Brown, 4000 Perth Place, said she was a retired teacher. Her concern is that Perth Place is a dead end and she lives on the corner of Perth and Hickory Tree Lane. She wants to know if there would be another way to get out of Perth Place and what size homes will be built in there. Her letter stated 4.0 and was she understanding something else? Were they going to change them? She thought they needed to know exactly what size homes are going to be built on that area. If this would impact the value of their properties, she lives on approximately an acre lot. The size of their home is a ranch and has 3,000+ square feet. Most of the people in her area are retired and a lot of them cannot move out and get another house now and move to another area because they are on a fixed income. She had complaints about the sign posted for this hearing.

Barbara Starr returned to the podium and said she forgot to mention the noise that is from that highway. They cannot sit out in their yards and have a normal conversation because of the traffic noise. For that reason, she didn't think that it was a good place to put a lot of

houses. They have said this will all be self-contained, it will not affect them in any way. Does that mean it is not going to affect the traffic in that area? It is not going to affect the schools for that area? It is not going to affect the water? She said she didn't see how it could help but affect all those things.

Henry Collins returned to the podium said he had three questions. Was there a posting of that area in Edgewood or on Edgewood Drive? He was there today just before noon, but he did not see a posting.

Chairman Wolf said he thought the City only had an obligation to post along the frontage of the property.

Mr. Ruska said that was correct. If they had posted along Edgewood Drive, it would have been very misleading because those folks would have thought their homes were up for rezoning.

Mr. Collins asked if Centex would initiate the meeting that they spoke of with the residents?

Chairman Wolf said that was not something the Commission could answer.

Mr. Collins said he would encourage Centex to do that and would hope the Commission would put in a good word for them. He said initially they were talking about 4 units per acre and here at this meeting he was hearing no more than 3, which naturally they would be more in favor of.

Chairman Wolf said the public hearing was closed.

Assistant City Manager Robert Morgan said before he gave the staff recommendation, as a matter of information, he would like to notify the public of the fact that due to multiple actions taken by the City over the last 2 years, the water needs for the City have been met for the next 20 years.

Mr. Morgan said this property lies one mile southeast of the primary city limits and is designated as a Tier 1 Growth Area on Connections 2025 Growth Strategy Map. At its February 18, 2004 meeting, the Greensboro Planning Board unanimously recommended the annexation of this property. A sketch plan has been submitted and has received preliminary TRC review. This sketch plan showed 132 single family lots and street connections to Edgewood Terrace Drive and Perth Place. At 4 units per acre, this proposed original zoning is consistent with the Generalized Future Land Use Map and is consistent with Connections 2025 policies to promote compact development, to promote mixed income neighborhoods and to provide affordable housing opportunities. Therefore, the Planning Department recommends approval of this rezoning request.

Mr. Haynes said on Perth Place, once that road is paved it would connect with Hickory Tree Lane; right? If so, was the City planning to improve Hickory Tree Lane for the additional traffic?

Chairman Wolf and Mr. Morgan shook their heads, indicating no.

Mr. Collins said he thought the residents were aware that the City of Greensboro some years ago decided that they would extend water and sewer and make growth come their way. That is the reason he thought they are seeing a lot of changes down there. The City decided that's where they wanted their growth to be and so that's where they extended the water and sewer lines. So he didn't think this would be anything new for them. They would keep seeing it because that is where water and sewer is running, at least he thought that was where most of their new lines had run. He was very disappointed that the applicant appears to have not met with the neighbors, since there are quite a few here. That is kind of unusual for something this size that they would not meet. He thought this was a good use for the property, but he wished there had been that meeting.

Ms. Wright and Ms. McDonnell said they agreed.

Chairman Wolf said he thought that was also consistent with the fact that it is not conditioned on any terms, which he would have expected to see for 40-some acres of land that is being done residential. He said the concern he had was the Commission had nothing tying this to the 3 units or less per acre, other than he guessed he wanted to hear from the City that that plan pretty much couldn't be modified to get more than that because he really did have a problem if it were more than that. He would have liked to have seen this conditioned on that kind of density.

Mr. Ruska said that was why they wrote the staff recommendation the way they did in terms of 4 units per acre because that is the theoretical density that RS-9 would allow. It is true that they submitted a sketch plan that showed 132 lots.

Ms. McDonnell said that was the very issue that she thought the neighborhood had some concerns about. Mr. Collins in his last testimony even mentioned that if they could get some clarification on that, which the applicant missed an opportunity to clarify that up front, then perhaps they would feel differently about the application today. So she would also to see some good use of the time between now and City Council to have some reasonable dialogue.

Mr. Gilmer said he had been pushing for, having served on the Planning Board and seeing developments going up in other parts of the City, development and new construction in East Greensboro. He thought this was a great opportunity. He said he would like to say to the neighborhood out there that, as Mr. Collins said, you would see more of this coming. Anytime that the City goes out and annexes you, that means that the lots will eventually be smaller because water and sewer will be there and the residents will not be relying on wells and septic tanks. So he would be supporting this. However, he was somewhat disappointed that the applicant, as others have said, did not meet with the neighborhood. This is very unusual on this large development. Water is not an issue. He thought if they would look here, they would see Lake MacIntosh and the staff has said that we are okay for the next 20 years. So he would be supporting this. The neighborhood could have had somebody come in, since it is right there close to the highway, wanting to do Highway Business or something, so he just thought this was a worthwhile development and he would be supporting it.

Mr. Schneider said he would just like to ask a question of GDOT with the TIS, was there anything happening with Perth and Youngs Mill since that seems to be probably the main entrance and egress to the development? Will there be a stoplight since that seems to be a big factor?

Carrie Reeves, with GDOT, said she could not answer the question for a signal. That would take a signal warrant analysis. As part of this TIS, Perth Place was included in the analysis. The sight distance issue that she was hearing everyone mention, she was not familiar with that. She had not been out to fully investigate that intersection as of yet, but at the time of site plan review, GDOT does review all issues pertaining to all site plans. So they will be looking for any safety or operational issues at that time. The TIS did not identify any improvements needed in relation to the intersection, as far as impacts of the traffic that will be added to the street network. But as a part of the subdivision ordinance, there will be a requirement to pave the road, to maintain two-way flow, as well as to widen and curb and gutter along the frontage of this property on Perth Place.

Mr. Schneider moved Item C, an ordinance establishing original zoning from County Zoning Agricultural to City Zoning RS-9 Residential Single Family, seconded by Mr. Gilmer. The Commission voted 4-3-1 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Collins. Nays: Wright, McDonnell, Haynes. Abstain: Byrd.)

Chairman Wolf recessed the meeting for 10 minutes.

D. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO PUBLIC AND INSTITUTIONAL – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF LUTHERAN STREET BETWEEN NORTH BENBOW ROAD AND O. HENRY BOULEVARD – FOR NORTH CAROLINA A & T STATE UNIVERSITY. (APPROVED)

E. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO PUBLIC AND INSTITUTIONAL – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF LUTHERAN STREET BETWEEN NORTH BENBOW ROAD AND O. HENRY BOULEVARD – FOR NORTH CAROLINA A & T STATE UNIVERSITY. (APPROVED)

E. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO PUBLIC AND INSTITUTIONAL – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF O. HENRY BOULEVARD EAST OF NORTH BENBOW ROAD - FOR NORTH CAROLINA A & T STATE UNIVERSITY. (APPROVED)

Mr. Ruska presented a map showing the three lots that were up for rezoning, as well as surrounding properties. He also presented slides of the subject properties.

Chairman Wolf asked if the applicant would come forward to the podium.

Bill Barlow, Director of Design and Construction for NC A&T State University, said he would quickly go through a power point presentation showing Items D through F. Back in 2000, the University came before the Commission, discussed their Master Plan, which was a 5 phase plan to purchase land in and around NC A&T State University. Since that time, they have purchased and rezoned approximately 63 properties. There are approximately 50 properties in the dark shaded portion that have not been rezoned or purchased at this time. The properties requested for rezoning about Benbow Road and O. Henry Boulevard. These acquisitions would allow the University to build a residential hall since within the last 4 years they have gone from approximately 8,000 students to approximately 11,300 students. In this

particular area, they will have a 250 bed residential hall. This area is east of the campus. Currently they have two other residence halls with 800 beds, which are located south of their proposed residential hall.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request, and no one came forward.

Mr. Morgan said that beginning in May 2003 on separate occasions, NC A&T State University has submitted requests in this Lutheran Street/Albany Street area to rezone lots from RS-7 to PI. The University has acquired these properties within the perimeter of the campus in furtherance of implementing their Master Plan. This area will be developed with a residence hall and an associated parking lot will be adjacent and have access to Lutheran Street. This entire area is classified as Institutional and, therefore, these requests are compatible with Connections 2025. Public and Institutional is the necessary and appropriate zoning classification for University use. The Planning Department recommends approval of these zoning applications.

Ms. Wright moved Item D, an ordinance rezoning from RS-7 Residential Single Family to Public and Institutional, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, Byrd, Haynes. Nays: None.)

Ms. Wright moved Item E, an ordinance rezoning from RS-7 Residential Single Family to Public and Institutional, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, Byrd, Haynes. Nays: None.)

Mr. Gilmer moved Item F, an ordinance rezoning from RS-7 Residential Single Family to Public and Institutional, seconded by Ms. Wright. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, Byrd, Haynes. Nays: None.)

G. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – PUBLIC AND INSTITUTIONAL WITH THE FOLLOWING CONDITIONS: 1) USES: WILL BE LIMITED FOR USE AS A PARKING LOT. 2) WILL NOT BE USED FOR STUDENT PARKING. 3) WILL RETAIN A MINIMUM OF FIVE (5) EXISTING MAGNOLIA TREES. 4) PARKING LOT WILL BE SECURED DURING THE EVENINGS. - FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST INTERSECTION OF NORTH DUDLEY STREET AND BLUFORD STREET – FOR NORTH CAROLINA A & T STATE UNIVERSITY. (DENIED)

Mr. Ruska presented a map showing the subject property, as well as showing the surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked the applicant to come forward to the podium.

Bill Barlow, Director of Design and Construction for NC A&T State University, said he had a brief power point presentation. This request is for 227 North Dudley Street. NC A&T State University has owned that property for a number of years. In fact about 40 years ago, it was the home of President Dudley. That particular site is located to the west of their campus. Currently they are planning on putting a parking lot there. Dudley Hall is located adjacent to

that particular lot. Currently it houses the African American Heritage Center and also the Taylor Art Gallery. They get guests from the state, from the city and also local surrounding areas to visit that particular gallery. Currently the visitors park along Bluford Street and back into the residential neighborhoods. The reason they are looking for a parking lot here is to take the parking from the adjacent streets and bring it into this parking lot. Their plans call for that space to contain 26 parking spaces. They plan to put a wrought iron fence around the parking lot with brick columns and they are planning on preserving as many of the Magnolia trees as they possibly can. When they applied for the PI zoning, they also had conditions associated with the PI. Currently they have no plans for student parking in that particular parking lot. Its access would be off Dudley Street so it will not impact the residential neighborhoods. They will secure the parking lot in the evenings to prevent any student loitering in that particular lot. They have low lights they are putting in that particular lot so it will not affect the adjacent neighborhoods and will also preserve the Magnolia trees. Last year they came before the Commission with this particular parking lot. The two persons opposed were the two property owners adjacent to that property. Since that time, they had met with both owners. One of the owners not only agreed after they met with them and talked about what A&T was going to do with the parking lot, the wrought iron fence and preserving the lots. They also got 12 other residents in that particular neighborhood to sign a petition agreeing with putting the parking in that particular area. There will be no student parking in this lot, but there will be staff parking there.

In response to a question from Ms. Wright, Mr. Barlow said currently they were using gates with electronic controls, meaning that you will either have a token or you will have your own card that can be swiped to let you in. So the students don't have access with their card swipes. If you were going to the museum, you would have to go to the museum first and get approval before you could get into the parking lot.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request.

Cameron Faulkner, 133 North Dudley Street, gave a brief history of his family's participation in and support of the University. In response to the people who are against this parking lot, he had a petition that he could pass up to the Commission, which contained 25 names of persons in the community. The Dudley House, which to them looked like a castle, used to be situated on this lot. However, time and deterioration mandated this house be taken down. He and his neighbors would like to see this lot used for something more than a parking lot. He thought this would be a good place for some kind of welcoming center or some kind of business incubator center that could be used to introduce the community or introduce people from outside the community, even out of State, and say, this is the property of the second president of A&T and this was where he lived and be able to represent the university and the community. A lot of things are being done around the Market Street area now in terms of preserving that area and building it up. He felt that there definitely was a need for more parking; however, there are other ways to utilize that than to use this small piece of property where there will only be 26 spaces when there are no parking areas available in this 4-block neighborhood from Dudley Street to East Market Street to Yanceyville Street. So this would be like opening up something that is not there right now. The type of neighborhood that they have present is a mixed neighborhood where you have primarily older houses and you have some newer houses as you go down north towards the stadium. They think that the property could be better utilized other than building a parking lot,

Kathleen Mitchell, 903 Bluford Street, said she was here before and really she was concerned as to why they are back here on the same thing again. That disturbed her a little since they had gone through this before. She was against rezoning this property. The president who gave this property to A&T was really in love with A&T. So this was something that they really would like to see utilized in a better way than a parking lot. She would hate to see a parking lot placed on the face of the land that a person was dearly in love with A&T and gave it this land, which he could have sold and took the money back home with him. Yet he loved it enough to want to do something that was special in the neighborhood and this is one of their oldest neighborhoods. They would hate to see a parking lot placed in the center of it.

Mr. Barlow pointed out Ms. Mitchell's home and Chairman Wolf said her home was in the area where the future plans of A&T would take that whole corner.

Chairman Wolf asked if the University would like 5 minutes of rebuttal.

Mr. Barlow returned to the podium and said they certainly appreciated the concern of the neighbors. When they looked at their Master Plan back in 1999 and even before that time, and when they looked at that parcel of land and the neighborhood surrounding that land, they thought it would not be the best use of that land to put a building there, which, in turn, would create additional traffic in terms of that particular neighborhood. Therefore, they left that land alone for a number of years and did not do anything with it until recently when they proposed PI for that particular parking lot. In their Master Plan, they are not building any new buildings to the west of their campus and that is that complete area there where you see that parcel of land and also Dudley Hall and Noble Hall in that particular area. They are planning on Dudley Hall and that parking lot and that would complete their immediate plans for the future on that particular site.

Chairman Wolf asked if the opponents to this request would like 5 minutes of rebuttal.

Cameron Faulkner returned to the podium and asked if the University could put their petition back on the screen. He asked if these were the homeowners in this area.

Mr. Barlow said this petition was initiated by the gentleman who lives adjacent to this particular parking lot. He lives west of the parking lot. Initially when they went out to talk to the neighbors, they canvassed this neighborhood to see how they would feel about the parking lot. Before they came here the first time, they talked with the neighbors, knocked on doors, made telephone calls and they showed the plans. Initially the man who lives adjacent to the parking lot was opposed to it. After they met with him, after they talked about the parking lot, he initiated the petition and then he gave it to them and said I personally initiated it, I think it is a good thing and here it is.

Mr. Byrd said he had a question and it really goes to how these conditions were generated, what had been put on the application. By way of background, he said he was a little conflicted about this case because he saw that it was heard in December of 2002 and that the Zoning Commission recommended favorably and then it was unanimously rejected by City Council based on concerns that this would establish creep into this neighborhood. He was not quite sure how the conditions that are on the zoning application address that particular concern and he was curious as to how these conditions were generated, through meetings with the neighbors or of their own volition.

Mr. Barlow said initially when they talked about a parking lot, they did not have the rendering that they showed in their presentation. They did not show the wrought iron fence with the brick columns. They spoke to the neighbors about it, but there were no pictures. So after the meetings, they went back and said, "Here is exactly what we are going to do. We also have a need to protect and separate our site from the adjacent property owners' site." When we said to protect your property, they said they would install low lights, try to preserve the Magnolia trees; do you want us to do anything else? They did not hear that the neighbors wanted them to do anything else. The gentleman said he was going to initiate the petition and that is how they moved forward.

Mr. Faulkner said he thought it must be understood what the historical significance of this piece of property is and what it means or what it can mean to the neighborhood. This can be an opportunity for the University to utilize this piece of property as a gateway to what is going on now. A&T has a magnificent history of civic involvement, of providing an opportunity for people. President Dudley's name is on Dudley High School, Dudley Street; it is all over Greensboro. Can we utilize this piece of property for something else other than a parking lot? In actuality, he was the one who initiated the meeting with some members from A&T. He didn't see or hear anything about a parking lot with a fence. Had he seen it, he wouldn't have been for it because he was just not for that anyway, but he never saw any of this. He said they short-sell themselves a lot. Let's use this piece of property for something that can really stand for something other than a parking lot. Mr. Chairman asked if an Administration Building could be built on this property. It could not because the lot is too small. This could be a smaller dwelling that could be used, as he mentioned, as the gateway to involve the people in the community as a welcoming center, the James B. Dudley School of Business. What he was saying was he certainly sympathizes with the concerns where there is no parking available. At the same time, being a resident of 133 North Dudley Street for 52 years, playing in this neighborhood, knowing the history of A&T, he just could not see a parking lot in that place right there. He did not understand how this process could be continued, but he thought he did now that Mr. Byrd cleared up some questions he had as to why this was brought before the Zoning Commission again after being voted unanimously against the parking lot by the City Council. This is where you had three schools; the first public school in North Carolina was built right in the same neighborhood within 1/2 mile from where this proposed parking lot would be. You have A&T, you have Charles H. Moore School, and he could go on and on. So he thought it would be a dishonor to President Dudley to build a parking lot on this parcel. He thought the property could be better utilized.

Mr. Morgan said this property was proposed for rezoning from RS-7 to PI and issued a favorable recommendation, 5-3, from the Zoning Commission in December, 2002. However, City Council unanimously denied the request in January, 2003. Information submitted in support of this request indicates that this property would be used as parking for the Dudley Hall Memorial Building, which contains the Mattie Reed African Heritage Center, the H.C. Taylor Art Gallery and the African Art Gallery. The property is on the edge of the area classified as Institutional and, therefore, this proposal is compatible with Connections 2025. Public and Institutional is the necessary and appropriate zoning classifications for University Use. The Planning Department, therefore, recommends approval of this zoning application.

Mr. Collins said he thought he heard this case before. It seems like there has been enough time go by since then. It is not our decision to decide what the ultimate use of that property is. We are really sitting here considering PI. They restricted it to a parking lot. He could not say if it should be a historical designation. The University, obviously, has chosen this as the

best use for now. He could not determine that for them. He wished he could because Mr. Faulkner had some compelling reasons, but he did not think that was for this Commission to say. That is something that needs to be discussed and brought forward to the University. He didn't have a problem with this being the type of parking that they showed because that is expensive and nice looking and the use of keeping the Magnolia trees. He guessed what he was envisioning was that is a use that the University can use that for now and hold this property to be used for a better use in the future, which he thought 15 years from now it would be something different, other than a parking lot. But that gives the University a good use now. If it was just parking strictly for general parking, but we are talking about making this part of the welcome center or this art gallery, making it easier to get there, and he would hope that it would help the street parking a little bit or if the University is out promoting this facility, there is going to be an increase in the number of people who will need to be able to park somewhere. So he thought that was a good tie-in. He probably would feel a little differently if it was just general use, but he saw this as supporting something that is a nice center that they have on campus.

Mr. Schneider said he was one of the few who voted against it last time and he was still not buying the argument that it is parking for the Mattie Reed Gallery if you're going to have to go park the car, go in and get a token, and come back and move your car into the parking lot. It seems like this is staff parking and it is continuing to creep and he was probably going to vote the same way he did last year.

Chairman Wolf said he believed he was one of the people who voted against it last time. He said he went further than all of that. He strongly disagreed with rezoning any property that is not within the Master Plan of the University. If somebody were to bequeath to UNCG a piece on the other side of Spring Garden Street, just because UNCG owns it, are we going to let them use it for institutional uses? He believed that property should be in the Master Plan, within the confines of the Master Plan of the University and consistent with everything that surrounds it. This is a piece that, yes, they got it from someone who loved the University, but they are looking to put a use out there that is completely inconsistent with that street. That piece could have been sold to somebody to build a nice home on it. He said he just believed that when a Master Plan is set up and Dudley Street is the dividing line, unless that Master Plan gets revised and they are talking about buying the rest of that residential neighborhood, he did not believe that piece should be used for a parking lot. That is why he was asking the questions about could you live with an institutional building there. If the University came back and got the entire neighborhood to buy into some residential-looking building, he didn't care what it was used for, but it is used for an institutional use and it's residential in the character of the neighborhood and everybody in the neighborhood buys into it, maybe he could live with that, but it was still going out beyond the Master Plan that is normally well thought out and the neighborhood relies upon to know whether they are in a block that is going to be bought eventually and there will be some institutional building or a dormitories or a parking lot for students or a parking deck for students. This side of Dudley Street, those people all assume that that will stay residential because it is not within the Master Plan of the University. So he could not vote for it and he was going to stay consistent with the last time they voted on it.

Mr. Gilmer said he wasn't on the Zoning Commission the last time this came up, but he did watch it on TV. It was very interesting. He also watched the debate with the City Council. He would not be supporting this as a practical matter. He thought it just stands out like a sore thumb. He would have to support the neighbors in this, so he would be voting against it.

Ms. Wright moved Item G, an ordinance rezoning from RS-7 Residential Single Family to Conditional District - Public and Institution, subject to conditions set forth in the application, seconded by Mr. Schneider. The Commission voted 2-6, thereby denying the motion. (Ayes: Wright, Collins. Nays: Wolf, Gilmer, Schneider, McDonnell, Byrd, Haynes.)

H. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT - GENERAL OFFICE HIGH INTENSITY WITH THE FOLLOWING CONDITION: 1) USES: ALL USES PERMITTED IN THE GO-H ZONING DISTRICT EXCEPT THOSE REQUIRING DRIVE THROUGH SERVICES. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF SOUTH BENBOW ROAD BETWEEN CUNNINGHAM STREET AND PERKINS STREET – FOR DR. CHELSEA AND MS. BLONNIE TIPTON. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as showing the surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked the applicant to come forward to the podium.

Chelsea Tipton, 4806 Royal Coach Road, said that in keeping with their discussion and in agreement with the Planning staff, he would like to make an amendment to their application. There is a condition in the application that they suggest be replaced. It reads: "All uses in the GO-H Zoning District except those requiring drive through services. The new condition is to read:

- 1) USES: Limited to residential not to exceed 12 dwelling units and 1 accessory office space.

He said he and his wife own the property on the east side of Benbow Road between Cunningham Street and Perkins Street.

Chairman Wolf interrupted and asked that he be permitted to accept a motion approving the amending of the application.

Mr. Gilmer moved that the original Condition 1) in the application be amended to the new Condition 1) set forth above, seconded by Mr. Haynes. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

He said that presently his property on Benbow Road is zoned RM-18 Residential Multifamily. They have applied to have the property rezoned to GO-H. Prior to making this request, they had considerable dialogue with members of the Planning staff. The Planning staff was most helpful in explaining the various types of zoning that might best suit their need and at the same time they looked at some of the aesthetic features that might benefit the overall area. Their property is a 1.109 acre lot with 17 multifamily units. They were built 65 years ago. During their 15 year ownership, they have worked diligently to keep the property repaired and attractive, both internally and externally. After assessing the age of the property, the changing multifamily market in the community and the cost of upkeep, they determined that these units might have outlived their usefulness and should be replaced. Their plan is to take down the existing 17 units, which comprise 4 buildings on the subject property, and improve

the immediate area with 1 building comprising 12 new units. They have discussed their intentions with several of the neighbors who are enthusiastic about this coming to pass. Some of the neighbors were present and he asked them to stand (about 4 people stood). Their plan will provide a modern, upgraded facility for their community to enjoy for many years to come.

Mr. Gilmer said he did not realize those apartments were 65 years old and he would like to say that Dr. Tipton had really done a good job in maintaining the old apartments. He felt he was a very responsible person.

Chairman Wolf said he too did not know the apartments were that old and Dr. Tipton had really done a good job of maintaining those apartments.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request, and no one came forward.

Mr. Morgan said a 4.2 acre tract immediately north of the subject property was rezoned from LI to GO-H by unanimous vote of the Zoning Commission in November of 1993. A 4.9 acre tract east of that November 1993 property was rezoned from LI and RM-18 to GO-H by unanimous vote of the Zoning Commission in April of 1999. The area proposed for rezoning is currently classified in the Generalized Land Use Map as Low Residential for a Mixed Use Commercial classification directly to the north. Due to the size of the site and the current number of apartment units, staff feels the character of the neighborhood will not change with this request nor will this request expand the area currently devoted to multifamily land use. This request is also located in a Connections 2025 investment area and meets goals such as improving the housing stock, promoting compact development and providing for mixed housing types. This request also promotes the walkability goals of the Plan in that it offers a housing opportunity for students in the area with sidewalks and within walking distance of NC A&T State University. The Planning Department recommends approval of this application.

Mr. Gilmer moved Item H, an ordinance rezoning from RM-18 Residential Multifamily to Conditional District - General Office High Intensity, subject to the amended condition as set forth above, seconded by Mr. Haynes. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

- L. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING CONDITIONAL USE – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN RM-12. 2) RESTRICTED TO 9 UNITS PER ACRE. 3) THE RAVINE BE PROTECTED AS NATURAL OPEN SPACE AS SHOWN IN THE SKETCH PLAN. 4) A 30 FOOT NATURAL BUFFER BE MAINTAINED ALONG THE SOUTH EDGE OF THE PROPERTY. 5) GUILFORD COLLEGE ROAD BE WIDENED ONE LANE IN WIDTH THROUGH THE LENGTH OF THE PROPERTY. TO CITY ZONING CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN THE GO-M DISTRICT. 2) IF THE PROPERTY IS DEVELOPED FOR OFFICE USES, THERE WILL BE A MAXIMUM OF 34,000 SQUARE FEET OF OFFICE SPACE PROVIDED. - FOR A**

**PORTION OF THE PROPERTY LOCATED AT THE SOUTHWEST INTERSECTION
OF GUILFORD COLLEGE ROAD AND MCCLELLAN PLACE – FOR PIERCE
HOMES OF CAROLINA, INC. (FAVORABLE RECOMMENDATION)**

Chairman Wolf said Mr. Byrd would recuse himself from discussion or voting on this Item since his law firm represented the applicant.

Mr. Ruska presented a map showing the subject property, as well as showing the surrounding properties. He also presented slides of the subject property.

Chairman Wolf asked what was the approximate schedule for that section of the Urban Loop?

Carrie Reeves, with GDOT, said that would be sometime after 2006. She said it would be correct to say it would probably be between 2006 and 2010.

Chairman Wolf asked the applicant to come forward to the podium.

Charlie Melvin, Esq., 300 North Greene Street, said he represented Pierce Homes of Carolina, Inc. Brent Pierce will hand up to the Commissioners an aerial photograph. He wanted to hand this up rather than put it on the screen because he wanted the Commissioners to look at it in connection with the map that they had on their screens that Mr. Ruska had just gone over showing the zoning patterns in the area.

Attorney Melvin requested that the Zoning Commission permit him to add two conditions to the existing zoning and they are:

- 3) That a bank with drive-through facilities will not be permitted.
- 4) That any office buildings constructed on the property will be of one story with a pitched or hip roof and with exterior building materials typically used in residential construction.

Ms. Wright moved approval of the addition of these two new conditions, seconded by Mr. Gilmer. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Haynes. Nays: None. Abstain: Byrd.)

Attorney Melvin said the last condition basically came about as a result of evaluating the staff's recommendation and its relationship to residential development in the area. He then directed the Commissioners' attention to the aerial photograph. He said it shows the site and if you compare this with the map on the screen, the Commissioners will see that there is a good deal of County GO-M to the east of this property and the Charlestowne Square Condominiums that Mr. Ruska referred to are being developed presently by Pierce Homes. There can also be seen the Bramblegate Condominiums. To the north of that, Pierce Homes did develop that condominium development. As shown in the staff's report, there is a great deal of diverging and different types of developments that have gone in the area. There are the big boxes and the intense retail development to the east. Of course, when the aerial photo was taken, Hecht's was still under construction. We have Painter Boulevard or the Loop coming through. He thought people who reside in this area are resigned that that is coming. After they filed this request, he did have one call from a gentleman who resides almost immediately south where there are some residences. He thought they gave him a

good deal of information. He told them he would confer with Mr. Ruska because, unfortunately, he had not been trained to remember all the setbacks and the buffers that will be required between this subject property and the residential. He told the neighbors he would get them that information. The bottom line is that Pierce Homes, which has developed over a large number of years a lot of residential development, condominiums, detached for sale, etc. This 3.5 acre tract, is a leftover tract from the Charlestowne Crossing Condominiums on the other side of Guilford College Road. This parcel was cut off by the relocation of Guilford College Road. Pierce Homes intends to build some one story office buildings, as the conditions would require, and then consolidate their own offices there and perhaps have a building or two that they could either rent or sell as an office condominium. They feel this is a very good location for the type of office development that would be required by these conditions. The impact of the Comprehensive Plan has given the staff some difficulties as evidenced by their recommendation of denial. But if you also look at the staff's comments, it says either an office development or continued expansion of multifamily could be accommodated at this location and fit the character of the area. He thought this was one of those instances where a residential type office will fit this area much better than trying to place a residential development into a 3.5 acre parcel with a confluence of two heavily traveled roads in there.

Mr. Ruska said the answer to the question for the planting yard, the requirement for those homes to the south would be a 30 foot planting yard, which could be reduced to 20 feet with a 5 foot high opaque fence.

Chairman Wolf asked if there was anyone present who wished to speak in opposition to this request, and no one came forward.

Mr. Morgan said at its February 18, 2004 meeting, the Greensboro Planning Board unanimously recommended the annexation of this property. This property is designated as high residential on the Generalized Future Land Use Map and is located within the Tier 1 growth area. The high residential land use classification provides for high density apartments, condominiums, life care and similar type housing ideally located near a major activity center or employment. When looking at this land use that includes a church and a school on Wendover and a Time Warner Cable warehouse storage yard, single family homes, big box retail on Sapp Road and Wendover Avenue, and some sparsely developed rural residential, this is in an area that will be experiencing pressure for future development. Offices are not listed as part of the Connections 2025 high residential land use classification. Continued expansion of multifamily could be accommodated in this location and fit the character of this area. The Planning Department's recommendation is denial of this request.

Ms. Wright moved Item I, an ordinance establishing original zoning from County Zoning Conditional Use - RS-12 Multifamily, subject to certain conditions, to City Zoning Conditional District - General Office Moderate Intensity, subject to the conditions set forth in the application and the two conditions added during this meeting, seconded by Mr. Collins. The Commission voted 7-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Schneider, Wright, Collins, McDonnell, Haynes. Nays: None. Abstain: Byrd.)

ITEMS FROM THE PLANNING DEPARTMENT:

Chairman Wolf said he had been told by the Planning Department that there is a scheduled joint Special Meeting of the Planning Board, the Zoning Commission and the City Council for Monday, March 29, from 4:00 to 6:00 p.m., at the Nussbaum Room in the Central Library. The topic of discussion will be the Comprehensive Plan.

Mr. Morgan said the newly formed Monitoring Committee would also be invited to that meeting.

When asked if there would be an agenda for discussion at that meeting, Mr. Morgan responded that staff was working on that.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Chairman Wolf asked about the replacement for Mr. Higgins.

Mr. Ruska said Mr. Higgins' replacement had been appointed, but the individual, to Mr. Ruska's knowledge, has, as of this moment, not accepted.

Chairman Wolf said they certainly thanked the absent Mr. Higgins for his service on this panel.

Ms. McDonnell said a few months back, they passed a rezoning on Mizell Road and there were a lot of concerns by part of the neighborhood, trying to look at some traffic calming devices. An individual from that neighborhood group contacted her today and wanted to know who to contact to request speed bumps.

Mr. Morgan said the City has no policy of putting in speed bumps.

Ms. McDonnell asked who they should contact to have a discussion about traffic calming strategies?

Ms. Reeves said that would be GDOT, but typically they need to call the main number at 373-2332 and they would log that in as a citizen's request and it would be assigned to one of the engineers to investigate to see what they can do.

Chairman Wolf said some of the neighborhoods he had had some personal involvement with Adam Fischer on, you contact them and they are fairly quick at looking at the issues and telling you they can or cannot do something. It depends on the layout of the roads, etc. They are not doing speed bumps, but they are doing other things to calm traffic.

Ms. Reeves said right now typically things that GDOT does are install speed limit signs, they can petition for 25 miles per hour; they look for locations for multiway stops; any type of additional warning signage that may be needed; "curve ahead" with a speed advisory sign to it, etc. That is what they can do now.

Ms. McDonnell said what works really well was the aggressive driving strictly enforced.

Ms. Reeves said that would be the City of Greensboro Police Department.

Mr. Morgan said the whole policy area of traffic calming is going to be revisited by the City along with connectivity. Council still wants to look at that. They need a quick fix to the connectivity policy, but they really need to make sure that traffic calming and connectivity go together.

Counsel Carr said as a point of order, since you do have a set schedule for your meetings, would he please just inform the public that there will be a special meeting of the Zoning Commission in joint session with the City Council, the Planning Board, and the Monitoring Committee for March 29, 2004, Monday from 4:00 to 6:00 p.m., in the Nussbaum Room in the Central Library.

Chairman Wolf said the Zoning Commission had a City Council called meeting (they are not just attending as witnesses or participants) on Monday, March 29, 2004 from 4:00 to 6:00 p.m. in the Nussbaum Room at the Central Library.

ACKNOWLEDGMENT OF ABSENCES:

The absence of Mr. Higgins was acknowledged.

* * * * *

There being no further business before the Commission, the meeting was adjourned at 5:03 p.m.

Respectfully submitted,

R.W. Morgan
Assistant City Manager

RWM/jd.ps